IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Smt. Vittoli Devi. Versus State of Rajasthan & ors.

S.B. Civil Writ Petition No. 1325/2006

...

Smt. Chanda Bai. Versus State of Rajasthan & ors.

S.B. Civil Writ Petition No. 1327/2006

and

Smt. Dhulee. Versus State of Rajasthan & ors.

S.B. Civil Writ Petition No. 1329/2006

Date of Order: May 29, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. S.P. Arora, for the petitioners.
Mr. B.L. Tiwari, Deputy Government Advocate, for respondents.

BY THE COURT:

By these three writ petitions, the petitioners seek a direction to the respondents for granting the pension and other pensionary benefits.. Since all the writ petitions involve identical questions of facts and law, therefore, with the consent of the learned counsel for the parties, the writ petitions are being heard and decided by the common order taking the facts of SBCWP No.1325/2006 as the leading case.

The husband of the petitioner was a work-charge Mistry and he was declared semi-permanent on the post. He voluntarily retired from service after completion of about 24 years' service. Petitioner's husband submitted an application for grant of family pension on 24-4-1997 and he expired on 12-2-1999. After his death, the petitioner submitted an application for grant of pension and family pension, which has been rejected by the respondents vide impugned order Annx.12 dated 18-8-2005.

I have heard learned counsel for the parties.

The controversy involved in these writ petitions stands concluded by a decision of Jaipur Bench of this Court in Purab Kanwar Vs. State of Rajasthan & ors., SBCWP No. 4665/2005 decided on 2-9-2005, wherein considering the reply filed by the respondents therein, it was held that since the petitioner has been paid all the benefits and no option for pension has been given during the aforesaid period, therefore, no relief can be granted.

In the instant writ petitions also, the respondents filed the reply stating therein that the deceased employees sought voluntary retirement from service and were voluntarily retired and the payments of gratuity and CPF amounts were made to them. It has further been established that the deceased employees did not opt for pension and other pensionary benefits whereas it was clearly mentioned in the order of the Secretary, Irrigation Department, Rajasthan Jaipur dated 26-2-1982 that if work-charge employee of regular cadre has given a option of pension benefit or not, it is understood that he has given option against CPF. This factual matrix has not been controverted by the learned counsel for the petitioners. In this view of the matter, the controversy involved in these writ petitions stands squarely covered by the decision of Jaipur Bench of this Court in Purab Kanwar Vs. State of Rajasthan & ors. (supra), hence no case for interference is made out.

Consequently, the writ petitions lack merit and are dismissed accordingly. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs